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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 HOPELYN RHIANNON AUSK,
14 Defendant.

CASE NO. 2:20-CR-0204-JAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: January 12, 2021
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

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17 This case was previously set for a status conference on January 12, 2021. The government and
18 Defendant Hopelyn Rhiannon Ausk, by and through her counsel of record Douglas Beevers, (the
19 “parties”) now seek to continue the status conference to February 9, 2021, and exclude time under the
20 Speedy Trial Act and Local Code T4 for defense preparation.

21 **STIPULATION**

22 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
23 through defendant’s counsel of record, hereby stipulate as follows:

- 24 1. By previous order, this matter was set for status on January 12, 2021.
25 2. By this stipulation, the defendant now moves to continue the status conference to
26 February 9, 2021, and exclude time between January 12, 2021, and February 9, 2021, under 18 U.S.C.
27 § 3161(h)(7)(A), B(iv) [Local Code T4].
28 3. The parties agree and stipulate, and request that the Court find the following:

1 a) The government has represented that the discovery associated with this case
2 includes approximately 500 pages of police reports, search warrant returns, subpoena returns,
3 photographs, EDD records, and bank/financial records, as well as several dozen jail call
4 recordings. All of this discovery has been either produced directly to counsel and/or made
5 available for inspection and copying.

6 b) Counsel for defendant desires additional time to review the current charges,
7 review discovery, conduct research and investigation into the charges and alleged acts, consult
8 with his, and otherwise prepare for trial.

9 c) At this time, the defendant has no objection to the Court's continuance of the
10 status conference to February 9, 2021, and agrees that such a continuance is necessary for
11 effective preparation as outlined below.

12 d) Counsel for defendant believes that the Court's continuance will provide them
13 reasonable time necessary for effective preparation, taking into account the exercise of due
14 diligence.

15 e) The government does not object to the continuance.

16 f) In addition to the public health concerns cited by the General Orders and
17 declarations of judicial emergency, and presented by the evolving COVID-19 pandemic, an
18 ends-of-justice delay is particularly apt in this case because defendant's counsel has relayed that
19 he has been delayed in consulting with defendant due to the COVID-19 pandemic and visitation
20 restrictions at the jail where the defendant is detained.

21 g) Based on the above-stated findings, the ends of justice served by continuing the
22 case as requested outweigh the interest of the public and the defendant in a trial within the
23 original date prescribed by the Speedy Trial Act.

24 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
25 et seq., within which trial must commence, the time period of September 24, 2020, to February 9,
26 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
27 T4] because it results from a continuance granted by the Court at defendant's request on the basis
28 of the Court's finding that the ends of justice served by taking such action outweigh the best

1 interest of the public and the defendants in a speedy trial.

2 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
3 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
4 must commence.

5 IT IS SO STIPULATED.

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7 Dated: January 7, 2021

McGREGOR W. SCOTT
United States Attorney

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9 /s/ ROBERT J. ARTUZ
ROBERT J. ARTUZ
Special Assistant U.S. Attorney

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12 Dated: January 7, 2021

/s/ DOUGLAS BEEVERS
DOUGLAS BEEVERS
Assistant Federal Defender
Counsel for Defendant
HOPELYN RHIANNON AUSK

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18 **FINDINGS AND ORDER**

19 IT IS SO FOUND AND ORDERED this 7th day of January, 2021.

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21
22 /s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
23 UNITED STATES DISTRICT COURT JUDGE
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